

ZONING ORDINANCE

Ordinance # 45B

AN ORDINANCE REPLACING AND AMENDING ORDINANCE #45 APPROVED ON OCTOBER 22, 2002 ESTABLISHING THE CITY OF GREY FOREST, TEXAS INTO TWO DISTRICTS FOR THE PURPOSE OF ZONING, AND CLASSIFYING ALL LOTS OR PARCELS OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY LISTED HEREIN AS R-1 SINGLE FAMILY DWELLING, AND PROVIDING FOR A PENALTY OF NOT LESS THAN TWENTY-FIVE (\$25) NOR MORE THAN TWO THOUSAND DOLLARS (\$2,000) FOR VIOLATION OF THIS ORDINANCE. EACH DAY OF VIOLATION WILL BE CONSIDERED A SEPARATE OFFENSE. THIS ORDINANCE SUPERSEDES AND REPLACES ORDINANCE #45 DATED MARCH 17, 1971 AND AMENDING ORDINANCE #29 DATED MARCH 13, 1980.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREY FOREST, TEXAS:

SECTION 1: INTERPRETATION OF PURPOSE

The zoning regulations and districts as herein established, has been made in accordance with plans for the purpose of promoting the health, safety, morals and general welfare of the City of Grey Forest. These have been designed to lessen congestion in the streets; to secure safety from fire, panic and other danger; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewage, parks and other public requirements. It has been made with reasonable consideration, among other things, for the character of the districts and for its peculiar suitability for particular uses, and with a view to conserving the value of the buildings and encouraging the most appropriate use of the land within the City of Grey Forest.

SECTION 2: DISTRICTS

The City of Grey Forest, Texas, from city boundary north to south and city boundary east to west to encompass all its incorporated area is hereby established as two districts. Unit one will be District A and shall consist of all property adjacent to the east side of Scenic Loop Road including all properties annexed since the incorporation of the City and Unit two will be District B and shall consist of all properties adjacent to the west side of Scenic Loop Road and including all properties annexed since unit two was annexed.

SECTION 3: ANNEXED TERRITORY

All territory hereafter annexed to the City of Grey Forest, Texas shall be automatically classified "R-1" Single Family Dwelling Districts, permanently zoned by the governing body of the City of Grey Forest, Texas. The City Council as the Planning and Zoning

Commission of said City, shall as soon as possible after annexation of any territory, institute proceedings on its own motion to give the area the permanent zoning of R-1 "Single Family Dwelling" and the procedure to be followed shall be the same as is provided for by law for the adoption of original zoning regulations.

SECTION 4: DEFINITIONS

For the purposes of this Ordinance, the following phrases, terms, words and their derivation shall have the meanings given in this section. In all cases, the word "SHALL" is mandatory and not permissive, the word "MAY" is permissive and not mandatory.

Accessory building or use shall mean subordinate to and serving a principal building or principal use. Shall be non-residential buildings only.

Basement shall mean that portion of a structure below grade level and enclosed on at least two sides.

Board of Adjustment is a standing committee of the City of Grey Forest responsible for conducting public hearings and passing judgment on variance requests.

Building shall mean a structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals or property, including tents, mobile homes, trailers, and other roofed structures on wheels or other supports, whether for residential, home businesses or storage.

Carport A carport shall mean a structure or part thereof accessory to a main building, and not fully enclosed, for parking of motor vehicles and recreational watercrafts.

Court shall mean a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by walls of a building.

Depth of lot shall mean the horizontal distance between the front and rear lot lines.

District shall mean a zoning district which is part of the City where regulations of this Ordinance are uniform.

Dwelling shall mean a building or portion thereof designed and used exclusively for residential occupancy.

Dwelling unit shall mean any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by the Uniform Building Code, for not more than one family.

Family shall mean (1) An individual; or (2) two or more persons related by blood, marriage or adoption, (3) a group of not more than five persons who need not be related by blood, marriage or adoption living together as a single housekeeping unit in a dwelling unit, and sharing common facilities like those considered reasonably appropriate for a family related by blood, marriage or adoption; in any case exclusive of usual servants.

Floor Area, Gross shall mean the sum of the gross horizontal areas of the several floors of a building, including interior balconies or mezzanines, but excluding stairwells. All horizontal dimensions are to be measured between the exterior faces of walls, including the walls, and attached garages and roofed porches having more than one wall. The floor area of a building shall not include the floor area of separate garages or accessory buildings on the same lot, which shall be measured in the same manner.

Front of lot shall mean the front boundary line of a lot bordering on the street. In the case of a corner lot, the official street address shall determine which boundary is front of lot.

Garage, Private shall mean a building or part thereof accessory to a main building, enclosed on four sides, pierced only by windows and customary doors, for parking of motor vehicles and recreational watercrafts. No occupation or business for profit may be carried on in a private garage.

Guest House shall mean an accessory building or part of an accessory building located on the same lot as the principal building, occupied only by those persons that are family or guests residing on a temporary basis who are not rent paying tenants, or occupied only by such persons and their families as are employed full-time by the occupants of the principal residence.

Height of Building shall mean the vertical dimension measured from the highest elevation of the finished lot grade of the building, to highest point of the roof of the top story of the structure.

Junk shall mean any worn out, cast off, or discarded article or material which is ready for destruction/discarding or has been collected/stored for salvage/conversion to some other use and all or any portion of an inoperable motor vehicle (a vehicle that is not repaired within 30 days after it becomes inoperable or that has expired license/registration).

Lot shall mean a tract or parcel of land which has frontage on a public street and has been properly subdivided, platted, and recorded.

Masonry shall mean stone, brick, concrete, slate, tile, stucco or similar materials.

Office-home shall mean a portion of a dwelling unit, which is used by the dwelling unit's occupant for professional or administrative activities related to the occupant's business, trade or profession, provided that it gives no evidence to an outside observer that the building is not used solely as a residence.

Principal Use Building shall mean the main use of land or building as distinguished from a subordinate or accessory use.

Single Family Dwelling shall mean a building containing only one (1) dwelling unit and occupied by only one (1) family.

Setback shall mean a minimum horizontal space extending across the front or rear or along the side property lines of a lot (as specified) which shall remain open and unoccupied by any building or structure except for a fence or landscaped buffer strip.

Structure shall mean that which is built or constructed, an edifice or building of any kind or, any piece of work artificially built up or composed of parts joined together in some definite manner. Anything constructed or erected which requires location on the ground or attached to something having location on the ground.

Structural Alteration shall mean a change or rearrangement of structural parts of a building or structure, enlargement of a building or structure, whether by extending or enclosing any side of the building, increasing the height, or square footage of any portion of the roof, enclosing an existing porch, balcony, attached carport or garage that has an existing floor, wall(s), roof, or moving a building or structure from one location or position to another.

Structure Attached shall mean an accessory structure having a common wall(s) or floor or roof with the principal or main use structure.

Structure Detached shall mean an accessory structure having no common wall with the main use structure surrounded by open spaces located on the same lot with main structure.

Structure Completely Enclosed shall mean a structure enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrance and exit doors.

Structure Non-conforming shall mean a building, structure or land which does not conform to all the regulations of the district in which it is located.

Studio shall mean the working place of an artist, sculptor, musician, photographer or artisan, potter, woodworkers or similar non-retail artistic activities excluding amplified music, dance studios, cheerleading studios, martial arts and ballroom dancing studios.

Use of property shall mean the purpose or activity for which the land, or building thereon is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of such activity with respect to the regulations of this ordinance.

Utility shall mean any facility, other than an administrative office, of any agency which under public franchise or ownership or certificate of convenience and necessity provides the public with any general public service, such as gas, electricity, water, sewerage, telephone, telegraph, cable television, or any other similar service.

In the event that there is a question as to a permitted use or its definition or any definition, the City Council's decision of such shall be final.

SECTION 5: "R-1" SINGLE FAMILY DWELLING DISTRICTS

The following regulations, shall apply to the "R-1" Single Family Dwelling Districts:

A. Density of Use: Any three-quarter acre lot that was in existence in District A when this ordinance is adopted will remain a buildable lot if a property owner can prove either by a registered, official survey with a licensed surveyor seal and date, a legally registered deed, or registered plat from Bexar County that at the time this Ordinance was adopted the property was at least three-quarter acre (32,670 sq feet) and had at least 100 feet of public right of way road frontage, whether it be one lot or several adjoining lots whose boundary lines along their entire length should touch lands under other ownership. Such parcel of land is "grandfathered", and can be used for a newly constructed single family dwelling. An existing dwelling or accessory building can be enlarged or a new accessory building can be added without a variance. Any lot(s) that does not consist of three-quarter acre with 100 foot public right of way road frontage is not a buildable lot for new construction in any case except to replace an existing home destroyed by fire or similar disaster. All existing properties under three-quarter acre with existing dwelling unit and associate improvements will be grandfathered in as long as they remain in their current state at the time this ordinance is adopted. They will require a variance approved by the Board of Adjustment before any building permits will be issued for any addition, alteration, rebuilding of an existing dwelling or enlarging or building of any new

accessory building except for carports/storage with no slab consisting of posts and roof/wall covering with no electricity or plumbing. Any parcel that has less than one and one-half acre in existence in District B that the property owner can prove either by an official survey with a licensed surveyor seal and date, a legally registered deed or registered plat from Bexar County, that at the time this Ordinance was adopted the property was at least three-quarter acre (32,670 sq feet) and had at least 100 feet of public right of way road frontage, whether it be one or several adjoining lots whose boundary lines along their entire length should touch lands under other ownership, such parcel is "grandfathered" and can be used for a newly constructed single family dwelling. The same rules apply in District B as in District A concerning existing properties. Any property subdivided in District A after the date this ordinance is enacted shall not be divided into lots of less than three-quarter acre and have less than a public right of way road frontage of less than 100 feet. Any property subdivided in District B after the date this ordinance is enacted shall not be divided into lots of less than one and one-half acre (65,340 sq ft) and have less than 100 ft road frontage on a public right of way.

B. Use Regulations: A building or premises shall be used only for the following purposes:

1. Single family dwelling
2. Public parks
3. Community buildings
4. Municipal buildings, non-profit libraries or museums, police and fire stations.
5. Accessory buildings and accessory uses, customarily incident to the above uses (not involving the conduct of a business), when located on the same lot, including a garage for private cars, bonafide servant or guest quarters not for full time occupancy, not for rent, or used for commercial purposes, and meeting all County lot size requirements for septic and septic setbacks. All building or building(s) cannot cover more than 1/3 of entire lot area.
6. Farms, Nurseries, Greenhouses, provided no sales office is maintained.
7. Signs:
 - a. One unlighted sign, which shall not exceed one (1) sq. ft in area indicating the name and/or address of occupant.
 - b. One sign which shall not exceed four (4) square feet in area for a temporary unlighted sign pertaining to the lease, hire or sale of a building or premises, an election, or other special event provided the sign is removed upon the lease, hire, or sale of such building or premises, special event or election after the completion of the purpose of the sign.

8. All business prohibited except:

Any occupation that is customarily performed at home that does not involve a structural change in the building, that is not retail/commercial, does not require the employment of help, the installation of equipment, does not create a nuisance by storage on any part of the property of any business related materials, debris, heavy equipment, or machinery, parking lots for trucks such as dump, cement, semi-tractor/trailers, and shall not include barbershops, beauty shops, retail carpenter shops/furniture repair shops, TV/electronic/appliance repair shops, plumbers shops,

auto or small engine repair shops, auto body repair/painting shop, junk/auto salvage, sign painting shop, welding shop, day care centers, bed & breakfast establishments or inns, public stables, kennels, aviaries, or petting zoos, or any other similar uses.

C. Height Regulations: No building shall exceed two and one-half (2 1/2) standard stories or thirty-five feet (35 ft).

D. Area and Setback Regulations:

1. *Front yard* - There shall be a front yard having a minimum of twenty-five (25) feet from the front property line/or easement line of an existing or proposed public roadway to the building(s) foundation edge.

2. *Side yard*

a. *Principal building and guest or servants houses*-There shall be a minimum of fifteen feet from the side property line to the building(s) foundation edge, except that on a corner lot the street side setback areas shall be not less than twenty-five (25) feet from the side property line to the building foundation edge.

b. *Accessory, portable or other structures*-There shall be a minimum of ten (10) feet from the side property line to the building(s) foundation edge and ten (10) feet from the rear property line with the exception of servant or guest houses.

3. *Rear Yard*- There shall be a minimum of twenty (20) feet from the rear property to the building(s) foundation edge for the principal building (dwelling) and guest or servants houses and ten (10) feet for an accessory building.

E. Aesthetics

All new construction, remodeling, additions or accessory buildings shall be of natural material (wood and/or masonry) or be natural looking material similar to wood or masonry, the design of which shall blend with the same rustic/rural nature of the City. Cedar or any other type of wood shingles will not be allowed. Any property owner who wishes to build or assemble any structure on their property of a design or material contrary to the rustic/rural nature of the City must apply for a variance to this zoning ordinance to be heard, and the judgment determined by, the Board of Adjustment after a public hearing in which all adjoining property owners and citizens of Grey Forest have been afforded the opportunity to state their support or objections to the proposed project.

SECTION 6: NON-CONFORMING BUILDINGS:

Intensity of Use: The otherwise lawful non-conforming use of land where no building is involved, existing at the time of the passage of this ordinance may be continued for a period of time of not more than one (1) year therefrom, provided that no such non-conforming use of land shall in any way be expanded or extended either on the same or adjoining property, and that if such non-conforming use of land or any portion thereof is discontinued or changed, any future use of land shall be in conformity with regulations of the district in which it lies.

Non Conforming Use of Building: Except as otherwise provided in this section, the otherwise lawful non-conforming use of a building existing at the time this ordinance becomes effective

may be continued. A non-conforming building which is or may hereafter become vacant and which shall remain unoccupied or its non-conforming use discarded for a continuous period of one (1) year, shall not hereafter be occupied except by a use which conforms to regulations of the district in which it is located. A non-conforming building may be maintained or kept in good repair except as otherwise provided in this section. No non-existing non-conforming building may be enlarged, extended, reconstructed or altered unless its use is changed to a use permitted in the district in which such building is located except in the event such enlargement, extension, reconstruction or alteration is required by court decision, law, ordinances, or for safety. No non-conforming building shall be moved in whole or part to any other location on the lot unless every portion of such building is made to conform to all the regulations of the district in which it is located.

Temporary Residences: Temporary living quarters are prohibited including motorized recreational vehicles, camp trailers, fold-out camp trailers, tents, mobile homes of any size that do not meet the requirements of Ordinance #27, 27A as a permanent dwelling. Any cabin, hut, lean-to, barn, coop, or any other structure whose normal construction and use is not designed/approved as living quarters shall also be prohibited. Out of town visitors with self contained recreational vehicles/towed camp trailers may hook up to a permanent residence power/water supply on a temporary basis to use as sleeping quarters for not more than 30 days within any 6 month period and the property owner must notify City Hall. In exceptional cases the City Council may grant an appropriate extension. All penalties apply for violation of this requirement.

SECTION 7: CHANGES AND AMENDMENTS

1. The Council may from time to time amend, supplement or change the regulations herein established. The City Council also serves as the Planning & Zoning Commission.
2. A public hearing shall be held by the Council before adopting any proposed amendment, supplement, or change. Notice of such hearing shall be given by publication in the official newspaper of general circulation of the City of Grey Forest, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication. Notice shall also be posted according to the Open Meetings Act.
3. If a protest against such proposed amendment, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more either of the area of lots included in such proposed change or those immediately adjacent in the rear thereof extending two hundred (200) feet there from or of those directly opposite lots, such amendment shall not become effective except by a three-fourths (3/4) vote of the Council.

SECTION 8: ENFORCEMENT

The provisions of this ordinance shall be administered and enforced by the Council of the City of Grey Forest, Texas. Building, electrical, plumbing and AC/heating permits are

mandatory on any and all construction in the City in accordance with the adopted building code and all City ordinances and codes unless an exception is specified in this ordinance. All applications for a building permits, shall be accompanied by a platted site plan drawn to scale, with actual dimensions of property, setbacks, location of wells (cannot be within 150 ft of any septic system), construction and foundation plans, use of property, applicable septic permit if required by ordinances #19 or 20, and such other information necessary for the building inspector to approve the site and construction plans before construction begins and to provide for the enforcement of all regulations. A careful record of all applications, plats, building plans and variances shall be kept in City Hall by the City Secretary. Any regulations concerning lot size, setbacks, or any other portion of this Ordinance that are not met requires a variance from the Board of Adjustment with the exception of portable sheds on girders, carports/storage sheds that consist of posts, tin/acrylic walls/roof, gravel/dirt floors that has no electric, plumbing or slab/foundation.

Upon determination of the Building Inspector that a variance is required, applications for variances of the Zoning Regulations on property shall be in accordance with all ordinances and requirements of the City, shall be accompanied by the fee designated by Ordinance #108 for City Services, and shall be submitted to the City Secretary with the same documents required to obtain a building permit that is listed above. After the building inspector approves the plans and the application, they shall be submitted to the Board of Adjustment for a public hearing and judgment. All construction is prohibited until the building inspector approves all plans, and/or the Board of Adjustment grants a variance provided in writing, or it is determined that the project falls under the limited categories that do not require a permit.

SECTION 10: VIOLATIONS DEFINED AND PENALTY FOR VIOLATION

Any person, agent or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building or use in violation of any detailed statement or plan submitted and approved thereunder shall be guilty of a misdemeanor and shall be liable to a fine of not less than twenty-five (\$25) dollars or more than two thousand (\$2,000) dollars for each day such violation shall be permitted to exist and each day constitutes a separate offense.

SECTION 11: VALIDITY

If any section, paragraph, substitution, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not effect the validity of the ordinance as a whole, or any part or provision thereof, other than the part so declared to be invalid or unconstitutional. This ordinance supersedes all previous zoning ordinances.

SECTION 12: DECLARATION OF NECESSITY

The fact that the zoning regulations in existence do not properly safeguard the general public welfare, health, peace and safety creates an urgency and requires that this ordinance become effective immediately upon its passage and it is accordingly so ordained.

THIS ORDINANCE WAS PASSED AND APPROVED BY THE CITY COUNCIL OF GREY FOREST, TEXAS ON THIS THE 13 DAY OF July, 2004.

SIGNED

Ken Mabry
MAYOR

ATTEST:

Nancy Butler
CITY SECRETARY